IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated:- 27.11.2006

Coram:-

The Hon'ble Mr. Justice P.SATHASIVAM
and
The Hon'ble Mr. Justice S.TAMILVANAN

Writ Petition Nos.5736, 6918 to 6921 of 2001
& WPMP Nos.16007, 9882 to 9885 of 2001

W.P.No.5736 of 2001
1.P.Radhakrishnan
2.Rajkumar
3.S.Selvam .. Petitioners

Vs.

1.The Government of Tamil Nadu,
rep. By its Secretary,
Co-operation, Food and Consumer
Protection Department,
Fort St. George,
Chennai-9.

2.The Registrar of Co-operative Societies,
N.V.N.Maaligai,
Kilpauk, Chennai.

3.The District Employment Office,
District Employment Office,
Salem District, Salem-7.

4.The District Central Co-operative Bank,
rep. by its Managing Director,
Cherry Road, Sale,-1.

5.A.Sadhick Basha
6.P.Rajendran
7.T.Samaya
8.M.A.Kasthuri Bai Gandhi
9.P.V.Raman
10.G.Chinthamani
11.R.Ramani
12.P.Padmanaban
13.M.Sekaran
14.P.Shanmugam

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15.P.Rajendran
16.C.Sundaram
17.G.Thamees
18.A.Murugan
19.G.Parimala
20.C.Palanisami
21.M.Thirumal
22.M.Maheswari
23.P.Machaiyan
24.T.Palaniammal
25.M.Gnanambigai
26.Cho.Thamarai Selvi
27.G.Umamaheswari
28.V.Kavitha
29.K.Sumathi
30.G.Geetha
31.D.Duraikannan
32.T.Jayanthi
33.G.Thanalakshmi
34.C.Chellamuthu
35.E.Subramani
36.M.Ramesh
37.R.Subramanian
38.M.Palanichami
39.V.Ganesan
40.T.Karthikeyan
41.S.Anandakumar
42.M.G.Shankar
43.A.Darmalingam
44.P.Maheswaran
45.M.Kannan
46.P.Saminathan
47.S.Mageswaran
48.K.S.Mohan
49.M.Manimaran
50.R.Varadharajan
51.K.Elangovan
52.K.Sadhasivam
53.C.Kalaiselvi
54.R.Chinnadurai
55.M.Anbarasi
56.C.Kokila
57.M.Maheswari
58.V.Rani
59.K.Subramniam
60.R.Ramalingam
61.T.Ganesan
62.G.Mahalingam
63.A.Kasthuri

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64.C.Manickam
65.R.Narayanasami
66.N.Manimegalai
67.S.Suganthi
(R5 to R67 impleaded as per order of
Court dt.24.4.2001 in WMP.10954/2001) .. Respondents

W.P.No.6918 to 6921 of 2001

T.Chandrasekaran .. Petitioner in WP.6918/2001

S.Ardhanari Easwaran .. Petitioner in WP.6919/2001

P.Annadurai .. Petitioner in WP.6920/2001

N.Jegatheesan .. Petitioner in WP.6921/2001

Vs.

1.The District Employment Office,
Salem District, Salem.

2.The District Central Co-operative Bank,
rep. by its Managing Director,
Cherry Road, Salem-1. .. Respondents in all WPs.

Writ Petition No.5736 of 2001 filed under Article 226 of the Constitution of India for issuance of a writ of Mandamus to direct the respondents not to sponsor the name of the persons on the basis of no objection certificate and consequently direct the respondents to sponsor the names of the petitioners on the basis of the Government order No.216 Co-operation, Food and Consumer Protection Department, dated 01.09.1998 so as to enable the petitioner to participate in the interview for the post of Assistant in the fourth respondent.

W.P.Nos.6918 to 6921 of 2001 filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus directing the respondents to forthwith sponsor the name of the petitioner to the post of Assistant in the second respondent Bank.

For Petitioners in all WPs. : Mr. K.Selvaraj

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For Respondents 1 to 3 in WP.5736/2001 & 1st respondent in WPs.6918 to 6921/01 : Mr.S.Ramasamy, Additional Advocate General-II assisted by Mrs.Bhavani Subbarayan,GA.

For 4th respondent in WP.5736/2001 & 2nd respondent in WPs.6918 to 6921 of 2001 : Mr.M.R.Raghavan

For respondents 5 to 67 : Mr.V.Manohar

COMMON ORDER

(Order of the Court was delivered by P.SATHASIVAM, J.)

In all these cases, the petitioners have approached this Court to issue a Writ of Mandamus directing the respondents not to sponsor the names of the persons on the basis of no objection certificate and consequently direct the respondents to sponsor the names of the petitioners on the basis of the Government order No.216 Co-operation, Food and Consumer Protection Department, dated 01.09.1998 so as to enable them to participate in the interview for the post of Assistant in the fourth respondent-Bank.

2. Heard the learned counsel appearing for the petitioners as well as the respondents.

3.On going through the relief prayed for, the claim of the petitioners and the stand taken by the Bank as well as the newly impleaded respondents, we are of the view that the relief as claimed by the petitioners cannot be granted by this Court at this juncture. However, the learned counsel appearing for the petitioners relying on the G.O.Ms.No.57, (Co-operation, Food and Consumer Protection Department) dated 21.02.2001 and G.O.Ms.No.249 (Co-operation, Food and Consumer Protection (CC1) Department), dated 31.10.2006, has contended that a direction may be issued to the Bank to consider the claim of the petitioners for appointment. Here again, it is not possible for this Court to issue such positive direction. At the most, in view of the latest Government order in G.O.Ms.No.249 (Co-operation, Food and Consumer Protection (CC1) Department), dated 31.10.2006, if the earlier G.O.Ms.No.57, (Co-operation, Food and Consumer Protection Department) dated 21.02.2001 still subsists, the petitioners are free to approach the respondents, if they are otherwise eligible for the appointment to the post of Assistant. It is made clear that we are not issuing positive direction. However, it is made

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clear that if the petitioners are eligible by virtue of any of the Government orders referred to above or applicable to them, it is for the Bank to consider the same, in accordance with law.

4. In so far as the impleaded respondents are concerned, it is not in dispute that all of them were appointed by the Bank by regular order and it is brought to our notice that pursuant to the direction of this Court in a contempt petition, all of them are continuing in their respective posts. It is made clear that inasmuch as those persons were appointed by the Bank, there will not be any impediment for continuing them.

5. With the above observation, all these writ petitions are disposed of. No costs. Consequently, connected WPMPs are closed.

raa

Sd/
Asst.Registrar

/true copy/

Sub Asst.Registrar

To

1.The Secretary,
Government of Tamil Nadu,
Co-operation, Food and Consumer
Protection Department,
Fort St. George, Chennai-9.

2.The Registrar of Co-operative Societies,
N.V.N.Maaligai,
Kilpauk, Chennai.

3.The District Employment Office,
District Employment Office,
Salem District, Salem-7.

4.The Managing Director,
District Central Co-operative Bank,
Cherry Road, Salem-1.

2 ccs to Mr.K.Selvaraj, Advocate, SR.58447 & 58448
1 cc to Mr.M.R.Raghavan, Advocate, SR.58415
1 cc to Mr.V.Manohar, Advocate, SR.57904

ra (co)
dv/13.12.06

W.P.No.5736 of 2001
etc.

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